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13 **UNITED STATES DISTRICT COURT**
14 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

15 ACE MARINE RIGGING & SUPPLY,
16 INC.,

17 Plaintiff,

18 v.

19 VIRGINIA HARBOR SERVICES,
INC., ET AL.,

20 Defendants.

No. SACV11-00436-GW (FFMx)

**NOTICE OF MOTION AND
MOTION FOR AWARD OF
ATTORNEYS' FEES,
REIMBURSEMENT OF
EXPENSES, AND INCENTIVE
AWARD FOR CLASS
REPRESENTATIVE**

21 Date: January 19, 2012
Time: 8:30 A.M.
22 Judge: The Honorable George Wu
Ctm: 10

1 TO THE CLERK OF THE COURT AND ALL PARTIES AND THEIR
2 ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on Thursday, January 19, 2012 at 8:30 a.m.,
4 or as soon thereafter as Settlement Class Counsel may be heard, before the
5 Honorable George H. Wu, United States District Judge, at the United States
6 District Court for the Central District of California 90012, 312 North Spring
7 Street, Courtroom 10, Los Angeles, California, Settlement Class Counsel hereby
8 move the Court for an award of attorneys' fees, reimbursement of litigation
9 expenses incurred by Settlement Class Counsel, and an incentive award for Class
10 Representative Ace Marine Rigging & Supply, Inc. This motion is brought
11 pursuant to Fed. R. Civ. P. 23(h), 54(b) and 54(d)(2).

12 This motion is made on the grounds that (a) such fees are fair and
13 reasonable in light of Class Counsel's effort in creating the Settlement Fund; (b)
14 the requested fees comport with Ninth Circuit case law in common fund cases; (c)
15 the expenses for which reimbursement is sought were reasonably and necessarily
16 incurred in connection with the prosecution of this action; and (d) Plaintiff devoted
17 substantial time, effort and expense in assisting Class Counsel's prosecution of the
18 case for the benefit of the Class.

19 In support of this Motion, Settlement Class Counsel rely upon the
20 accompanying memorandum of law and declarations in support thereof, and based
21 upon all matters of record including the pleadings and papers filed in this action
22 and oral argument given at the hearing in this matter.
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1 WHEREFORE, Settlement Class Counsel respectfully request the Court to
2 grant this Motion and enter the attached form of Order.

3 Dated: December 5, 2011

/s/ Michael Goldberg

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16 *Interim Class Counsel, Chair of the*
17 *Executive Committee and Settlement*
18 *Class Counsel*
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**PROOF OF SERVICE VIA ELECTRONIC POSTING PURSUANT TO
CENTRAL DISTRICT OF CALIFORNIA LOCAL RULES
AND ECF GENERAL ORDER NO. 10-07**

I, the undersigned, say:

I am a citizen of the United States and am employed in the office of a member of the Bar of this Court. I am over the age of 18 and not a party to the within action. My business address is 1801 Avenue of the Stars, Suite 311, Los Angeles, California 90067.

On December 5, 2011, I caused to be served the following documents:

**NOTICE OF MOTION AND MOTION FOR AWARD OF
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND
INCENTIVE AWARD FOR CLASS REPRESENTATIVE**

**[PROPOSED] ORDER GRANTING MOTION FOR AWARD OF
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES AND
INCENTIVE AWARD FOR CLASS REPRESENTATIVE**

By posting the documents to the ECF Website of the United States District Court for the Central District of California, for receipt electronically by the following parties:

See Attached Service List.

And by Electronic Mail to all known non-ECF registered parties.

See Attached Service List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 5, 2011, at Los Angeles, California.

s/ Michael Goldberg
Michael Goldberg

Mailing Information for a Case 8:11-cv-00436-GW -FFM

Electronic Mail Notice List

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Manual Notice List

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- (No manual recipients)

Ace Marine Rigging and Supply Inc. v. Virginia Harbor Services Inc., et al.
Case No. 8:11-cv-00436-GW -FFM

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